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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,272	10/17/2000	Jeffrey W. Pattee	33-XZ-5745	3671
7590	07/17/2006		EXAMINER	
Dean D Small McAndrews Held & Malloy Ltd 500 West Madison Street 34th Floor Chicago, IL 60661				WILLIAMS, THOMAS J
		ART UNIT	PAPER NUMBER	3683

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/690,272	PATTEE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thomas J. Williams	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5,6,9 and 10 is/are rejected.
- 7) Claim(s) 2-4,7 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. Acknowledgement is made in the receipt of the oath filed October 17, 2000.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a mobile medical device” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The claims should commence on a separate sheet. Currently a portion of the detailed description of the invention and a portion of the claims are on the same sheet.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US 3,422,929 to Oja et al.

Re-claim 1, Oja et al. disclose a braking apparatus, comprising: a locking mechanism for a mobile medical device, a pedal 37 moves the locking mechanism between a locked and unlocked position, a steering (or guide) mechanism with a linkage member 23/29 is attached to the pedal, the steering mechanism defines a path along which the linkage travels as the pedal is moved between the locked and unlocked positions, see figures 2 and 4.

6. Claims 1, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,806,111 to Heimbrock et al.

Re-claim 1, Heimbrock et al. disclose a brake apparatus, comprising: a locking mechanism for locking a mobile medical device in a desired position; a pedal 56 connected to the locking mechanism for moving the locking mechanism between a locked and unlocked positions, a steering mechanism has a linkage member (see links 172/174) attached to the pedal, the steering mechanism defined a path (such as a longitudinal path) along which the linkage member travels as the pedal is moved between the locked and unlocked positions.

Re-claim 5, the locking mechanism is a plunger assembly 194 having a slotted piston for receiving a pin for engaging a spring 160 located within the periphery of the plunger.

Re-claim 6, Heimbrock et al. disclose a mobile medical apparatus, comprising: a mobile medical device; a braking apparatus; a pedal 56/176 for engaging or disengaging the braking apparatus; a pedal housing 190 connected to the apparatus, the housing has a shaft (such as 192) for connecting the pedal to the housing, the shaft is connected to first 172 and second 174 linkage members, the first linkage steers or guides the pedal to a rest position in either a locked or unlocked position, a second linkage member engages or disengages a locking mechanism in coordination with the pedal in one of the locked and unlocked position.

Re-claims 9 and 10, the locking mechanism includes a plunger assembly, the assembly has a slotted piston for receiving a pin for engaging a spring within the periphery of the plunger.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,922,494 to Clark, Jr.

Re-claim 1, Clark, Jr. teaches a brake apparatus, comprising: a pedal connected to a locking mechanism 18 for moving the locking mechanism between a locked (figure 4) and unlocked positions (figure 3), a steering mechanism has a linkage member (note various links) attached to the pedal, the steering mechanism defined a path (such as a longitudinal path) along which the linkage member travels as the pedal is moved between the locked and unlocked positions. However, Clark, Jr. fails to specifically teach the brake apparatus used with a mobile medical device. Clark, Jr. does in fact teach that the brake apparatus is used on wheeled vehicles and is shown attached to a table like structure. This could easily represent a patient table, as known in the art.

As such it would have been obvious to one of ordinary skill in the art to have utilized the brake apparatus of Clark, Jr. on a mobile medical device, since the device is clearly capable for use on any wheeled vehicle.

Re-claim 5, the locking mechanism is a plunger assembly having a slotted piston 24 for receiving a pin (pin 41 is received in the slotted piston 24) for engaging a spring 36 located within the periphery of the piston. Piston 24 has a slot 52a.

Re-claim 6, Clark, Jr. teaches an apparatus, comprising: a braking apparatus; a pedal for engaging or disengaging the braking apparatus; a pedal housing connected to the apparatus, the housing has a shaft (such as 34) for connecting the pedal to the housing, the shaft is connected to first and second linkage members (such as links 31/32/46/47), the first linkage steers or guides the pedal to a rest position in either a locked or unlocked position, a second linkage member

(such as 46/47) engages or disengages a locking mechanism in coordination with the pedal in one of the locked and unlocked position. However, Clark, Jr. fails to specifically teach the brake apparatus used with a mobile medical device. Clark, Jr. does in fact teach that the brake apparatus is used on wheeled vehicles and is shown attached to a table like structure. This could easily represent a patient table, as known in the art.

As such it would have been obvious to one of ordinary skill in the art to have utilized the brake apparatus of Clark, Jr. on a mobile medical device, since the device is clearly capable for use on any wheeled vehicle.

Re-claims 9 and 10, the locking mechanism includes a plunger assembly, the assembly has a slotted piston for receiving a pin for engaging a spring within the periphery of the plunger.

***Allowable Subject Matter***

10. Claims 2-4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson and Holmes each teach a ground engaging brake apparatus having link members.

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

July 12, 2006

**THOMAS J. WILLIAMS  
PRIMARY EXAMINER**

*Thomas Williams*  
AU 3683  
7-12-07